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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,127	02/08/2002	Clayton R. Rogers	01-22	1390

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EXAMINER

CHARLES, MARCUS

ART UNIT PAPER NUMBER

3682

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,127

Applicant(s)

ROGERS, CLAYTON R.

Examiner

Marcus Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9 and 11-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-9 and 11-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to the RCE/Amendment filed 03-22-2004, which has been entered. Claims 1-2, 4-9 and 11-27 are currently pending.

Continued Examination Under 37 CFR 1.114

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) based on parent Application No. 10,072,127 is acceptable and a RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-5, 7-12 and 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP (58-178042) in view of GB (2345584). JP (58-178042) discloses a system comprising a tensioner (fig. 6), a drive pulley (32) coupled to a belt (39), the pulley has a slack span and a tight span on opposite sides thereof. The tensioner comprises a first and second arm (40-4, 40-5), each arm is rotatable coupled to a pulley (44, 46), such that one pulley is coupled to the tight span and the other is coupled to the slack span. JP (58-178042) does not disclose the pulley is connected to an alternator, a generator and a starter apparatus. GB (1345584) discloses an engine comprising a drive pulley (6) of the

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engine connected to a alternator, a generator and a starter in order to reduce out of phasing or lagging between the accessories of the engine minimizing creating heat generation during start-up. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of JP (58-178042) so that the drive pulley is connected to a alternator, an generator and a starter in view of GB (2345584) in order to reduce out of phasing or lagging between the accessories of the engine thereby minimizing heat generation during start-up.

In claims 2 and 11, note the arms are maintained at a constant angle with respect to each other.

In claims 4-5 and 12, it is apparent that the tensioner is configured to perform positive take-up and it is also apparent that when the system is being driven one of the pulleys (44, 46) coupled to the tight strand generates a desired tension on the slack span.

In claim 7, note from the convention symbol of metal in fig 5, it appears that the arms are made of rigid metal.

In claims 8 and 15, it appears that the tight span is created on the exit side of the drive pulley (32) and the slack span is created on the exit side of the auxiliary pulley (38).

Regarding claims 19-20, 22 and 23, in JP (58-178042), it is apparent that one of the pulleys is a driving pulley and the other is a driven pulley and the pulleys (44, 46) on the tensioner arms contact the belt on each side of the drive pulley (30).

In claims 21 & 24-26, JP (58-178042) clearly disclosed the resilient device (54) contacting the arms (40-4, 40-5).


Regarding claims 9, 12 and 15, it is apparent that the method steps would be inherently included during the utilization of the JP (58-178042) device.

3. Claims 6 and 13-14, are rejected under 35 U.S.C. 103(a) as being unpatentable over JP (58-178042) in view GB (2345584) as applied to claim 1 above, and further in view of Cancilla (4,069,719). JP (58-178042) does not disclose that the tensioner comprises a resilient device such that torque on the resilient device is less than the counteracting torque generated by a force imparted by one of the arms coupled to the pulley on the tight span. Cancilla discloses a tensioner comprising a resilient device (23) and it appears that the torque on the resilient device is less than the counteracting torque generated by a force imparted by a first arm (18) in the tight span and the second arm (17) coupled to the slack span in order to maintain the desired tension in a desired direction during operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the tensioner arms of JP (58-178042) so as to include a resilient device in view of Cancilla and such that the torque on the resilient device is less than the counteracting torque generated by a force imparted by a first arm in the tight span and the second arm coupled to the slack span in order to maintain the desired tension in a desired direction during operation.

Regarding claims 13-14, it is apparent that the method steps would be inherently included during the utilization of the JP (58-178042) in view of Cancilla device.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Marcus Charles
Primary Examiner
Art Unit 3682
July 01, 2004